

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES E. SZULCZEWSKI,

Plaintiff,

v.

ORDER

Case No. 15-cv-607-wmc

DR. CHRISTOPHER GREEN, M.D.,
DONNA KATEN-BAHENSKY, KITTY
RHOADES, RICHARD SCHALLER and DR.
GREGORY VANRYBROCK,

Defendants.

Plaintiff James E. Szulczewski, a patient at the Mendota Mental Health Institution, has submitted a motion to serve defendants Christopher Green, M.D. and Donna Laten-Bahensky by the United States Marshals Service along with an affidavit of indigency. From the affidavit plaintiff has submitted, it appears that plaintiff qualifies for indigent status. Under these circumstances, the court will grant plaintiff's motion to have defendants Christopher Green, M.D. and Donna Katen-Bahensky served with the summons and complaint by the United States Marshals Service.

In accordance with *Williams v. Werlinger*, No. 14-3746, 795 F.3d 759, 2015 WL 4639218 (7th Cir. Aug. 5, 2015), the United States Marshal is ordered to make a reasonable effort to locate and serve defendants Christopher Green, M.D. and Donna Katen-Bahensky. Reasonable efforts may include an Internet search of public records for a defendant's current address, however, reasonable efforts are not necessarily limited to a search of public records. *Id.*, 2015 WL 4639218, at *1-2 (listing examples of reasonable efforts, such as contacting defendant's current or former employer, other staff members or real estate agent). If the Marshals Service is unable to locate defendants Christopher Green, M.D. and Donna Katen-

Bahensky, it must describe the efforts it took in detail so that the court can evaluate whether those efforts were reasonable. *Id.* at *1-2 (statement that defendant had “retired,” that “no forwarding info [was] available” and that official could not be located “using internet database searches” not sufficient).

If the United States Marshal is successful in obtaining a defendant’s personal address, that address should be maintained in confidence, and not revealed on the Marshals Service forms that are filed in the court's public file and mailed to the plaintiff.

ORDER

IT IS ORDERED that,

1. The motion filed by plaintiff James E. Szulczewski for a finding of indigency is GRANTED.

2. The United States Marshal shall make reasonable efforts to locate defendants Christopher Green, M.D. and Donna Katen-Bahensky, and, if those efforts are successful, to serve this defendant with a copy of the summons and complaint in this case. If the United States Marshal is unsuccessful in locating defendants Christopher Green, M.D. and Donna Katen-Bahensky, an unexecuted form may be filed on which the efforts made are described in detail.

Entered this 5th day of May, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge